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17 PATAGONIA, INC.

18
19 **UNITED STATES DISTRICT COURT**
20 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
21 **WESTERN DIVISION – LOS ANGELES**

22 PATAGONIA, INC.,

23 Plaintiff,

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1 Patagonia, Inc.’s Ex Parte Application For Temporary Restraining Order and Order to
2 Show Cause (“TRO Application”), Declaration of Traci Escamilla in Support of
3 Patagonia, Inc.’s Ex Parte Application For Temporary Restraining Order and Order to
4 Show Cause (“Escamilla Decl.”), Declaration of Paymaneh Parhami in Support of
5 Patagonia, Inc.’s Ex Parte Application For Temporary Restraining Order and Order to
6 Show Cause (“Parhami Decl.”), Proposed Order Granting Plaintiff Patagonia, Inc.’s
7 Application for Temporary Restraining Order and Order to Show Cause (“TRO
8 Proposed Order”), Application for Leave to File Under Seal (“Application to Seal”),
9 Declaration of Kourtney Speer in Support of Application for Leave to File Under Seal
10 (“Speer Decl.”), and Proposed Order Granting Plaintiff Patagonia, Inc.’s Application
11 for Leave to File Under Seal (“Sealing Proposed Order”).

12 **II. APPLICABLE LAW**

13 The law of the Ninth Circuit governs motions to file under seal. *See Apple Inc.*
14 *v. Samsung Elecs. Co.*, 727 F.3d 1214, 1220 (Fed. Cir. 2013). The Ninth Circuit has
15 held that compelling reasons may outweigh the public’s interest in disclosure and
16 justify sealing of court records. *See Kamakana v. City & County of Honolulu*, 447 F.3d
17 1172, 11785 (9th Cir. 2006). For example, courts have recognized that good cause
18 exists to seal documents that discuss confidential, non-public investigative processes
19 and procedures. *See Zeitlin v. Bank of Am., N.A.*, No. 218CV01919RFBBNW, 2022
20 WL 3346957, at *1 (D. Nev. Aug. 11, 2022). Specifically, courts in the Ninth Circuit
21 regularly seal motions for emergency relief against counterfeit operations, in order to
22 protect the plaintiff and public’s ability to recover meaningful relief against such
23 predatory schemes. *See, e.g., Cisco Sys., Inc. v. Shenzhen Usource Tech. Co.*, No. 5:20-
24 CV-04773-EJD, 2020 WL 5199434, at *2 (N.D. Cal. Aug. 17, 2020) (explaining the
25 court’s decision to seal documents related to Cisco’s application for a temporary
26 restraining order, in order to preserve the integrity of plaintiff’s investigation and the
27 possibility of relief). Courts also recognize an overriding interest in preventing
28 disclosure of business information that may harm a litigant’s competitive standing. *See,*

1 *e.g., Nixon v. Warner Commc'ns*, 435 U.S. 589, 598 (1978); *Apple*, 727 F.3d at 1221-
2 22 (discussing competitive harm to business).

3 In addition to filing its Complaint, Patagonia is also seeking a Temporary
4 Restraining Order (“TRO”) against the Defendants, based on Defendants’ operation of
5 an elaborate, widespread counterfeiting scheme. To preserve the effectiveness of the
6 TRO and protect the integrity of the relief sought, Patagonia respectfully requests leave
7 to file its Complaint, TRO Application, and supporting documents, under seal. Rather
8 than seek to seal the Complaint and TRO Application in their entirety, Patagonia has
9 filed redacted versions of both documents, reflecting redactions tailored to the truly
10 confidential information (including Defendants’ identities).

11 Providing Defendants with advance notice of the TRO filing would likely
12 frustrate the purpose of the requested relief. Courts have recognized that notice may be
13 excused where it would “render fruitless the further prosecution of the action.” *Rovio*
14 *Ent. Ltd. v. Royal Plush Toys, Inc.*, 907 F. Supp. 2d 1086, 1094 (N.D. Cal. 2012).
15 Publicly filing these documents would risk tipping off Defendants, giving them a
16 window to destroy critical evidence (including the counterfeit products themselves),
17 move or conceal assets, and otherwise obstruct enforcement efforts.

18 Therefore, Patagonia asks that these documents remain sealed until each
19 Defendant is served or the Court orders otherwise. In recent enforcement actions filed
20 by Patagonia involving similar conduct, including the use of third-party platforms,
21 public filings have attracted significant media attention, including coverage on social
22 media platforms. Declaration of Kourtney Speer (“Speer Decl.”), ¶ 3. Based in part on
23 that experience, Patagonia has reason to believe that public filing of this action is likely
24 to alert the Defendants prematurely, significantly impairing Patagonia’s ability to
25 obtain effective relief.

26 **III. THE FOLLOWING DOCUMENTS OR PORTIONS THEREOF**
27 **SHOULD BE SEALED**

28 Patagonia respectfully requests sealing of the following materials:

Document	Portion to be Sealed	Party Designating	Reason for Sealing
Complaint	Caption; Selected Portions of Introduction; Selected Portions of ¶¶ 2-12, 17, 26-37; Exhibit A	Plaintiff	Confidential investigation of counterfeiting scheme and identification of Defendants. (Speer Decl. ¶ 5)
TRO Application	Caption; Selected Portions of Table of Contents; Selected Portions of Introduction; and Selected Portions of Pages 5-8, 10-12, 14, and 16-22.	Plaintiff	Confidential investigation of counterfeiting scheme and identification of Defendants. (Speer Decl. ¶ 6)
Escamilla Decl.	Caption; and Selected portions of ¶¶ 24-27.	Plaintiff	Confidential investigation of counterfeiting scheme and identification of Defendants. (Speer Decl. ¶ 7)
Parhami Decl. and Exhibits 1-19	Full Declaration and Exhibits 1-19	Plaintiff	Confidential investigation of counterfeiting scheme and identification of Defendants. (Speer Decl. ¶ 8)
TRO Proposed Order	Caption; Selected Portions of Pages 4-8, 10-14; Schedule A and Schedule B.	Plaintiff	Confidential investigation of counterfeiting scheme and identification of Defendants. (Speer Decl. ¶ 9)
Application to	Caption	Plaintiff	Caption

Document	Portion to be Sealed	Party Designating	Reason for Sealing
Seal			identifies the named Defendants. (Speer Decl. ¶ 10)
Speer Decl.	Caption	Plaintiff	Caption identifies the named Defendants. (Speer Decl. ¶ 11)
Sealing Proposed Order	Caption	Plaintiff	Caption identifies the named Defendants. (Speer Decl. ¶ 12)

This application is submitted to the Court in conjunction with the following documents, as required by Local Rule 79-5.2.2:

1. Declaration of Kourtney Speer in Support of Patagonia's Application for Leave to File Under Seal (redacted and unredacted);
2. Unredacted versions of Patagonia's Complaint, TRO Application, Escamilla Decl., Parhami Decl, and TRO Proposed Order;
3. Redacted versions of Complaint, TRO Application, Escamilla Decl., and TRO Proposed Order; and
4. Proposed Order Granting Patagonia's Application for Leave to File Under Seal (redacted and unredacted).

IV. CONCLUSION

For the foregoing reasons, Patagonia respectfully requests that the Court permit

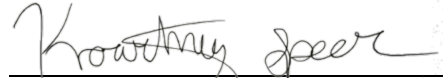
1 the above-referenced materials to be filed under seal.

2 DATED: April 15, 2025

Respectfully submitted,

3 VERSO LAW GROUP LLP

4
5 By:



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7 RYAN BRICKER

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